

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MOBILITY CREDIT UNION

Plaintiff,

v.

GASTON MUGNIER

Defendant.

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Civil Action No. 3:16-CV-2968-G-BK

NOTICE OF DISMISSAL WITHOUT PREJUDICE

COMES NOW, Mobility Credit Union (“*Mobility*” or “*Plaintiff*”), and files this Notice of Dismissal Without Prejudice and in support thereof respectfully shows the Court as follows:

1. Plaintiff filed its Original Petition against Defendant Gaston Mugnier (“*Defendant*” or “*Mugnier*”) in Dallas County State District Court on September 19, 2016, and asserted certain causes of action against Defendant for breach of contract, conversion, and attorney’s fees.

2. Defendant was served with process on September 26, 2016.

3. On October 24, 2016, Defendant removed this action to this Honorable Court. *See* Notice of Removal (Doc. No. 3).

4. Defendant has not filed an answer or motion for summary judgment in this action.¹

5. Mobility has not previously dismissed any federal- or state-court action based on the same claims asserted in this action.

¹ Defendant has filed a Rule 12(b)(6) Motion to Dismiss, but this does not affect a plaintiff’s right to a voluntary dismissal under Rule 41(a)(1)(A)(i). *See, e.g., Finley Lines Joint Prot. Bd. v. Norfolk S. Corp.*, 109 F.3d 993, 996 (4th Cir. 1997).

6. Accordingly, pursuant to FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(i), Plaintiff hereby gives notice of dismissal of the claims and causes of action asserted against Defendant Gaston Mugnier in this proceeding without prejudice as to the refiling or reinstatement of same.

Respectfully submitted,

PASSMAN & JONES,
A Professional Corporation

By: 

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COUNSEL FOR PLAINTIFF
MOBILITY CREDIT UNION

CERTIFICATE OF SERVICE

I certify that on this 14th day of May, 2018, a true and correct copy of the above and foregoing was served, as specified below, in accordance with the FEDERAL RULES OF CIVIL PROCEDURE to the following:

Gaston Mugnier
505 West 5th Avenue
Covington, LA 70433

CMRRR: 92147969009997901621417352; and
Via U.S. Regular Mail



Kyle B Mandeville